

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	05 C 140	DATE	8/1/2005
CASE TITLE	Dull, et al vs. Arch, et al		

DOCKET ENTRY TEXT:

The Trustee Defendants' Motion to Dismiss Count III of the complaint is granted.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On July 27, 2005, the Court granted the Van Kampen Defendants' motion to dismiss Count III of the complaint with prejudice. The Court held that Count III fails to state a cause of action because no private right of action exists under Section 36(a) of the ICA. The Trustee Defendants adopted the Van Kampen Defendants' argument regarding Count III. For the reasons set forth in detail in the Court's July 27, 2005 Opinion, the Court dismisses Count III with respect to the Trustee Defendants with prejudice. The Court will address the remaining arguments of the Trustee Defendants when briefing is completed.

Courtroom Deputy
Initials:

TH